

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

PETEDGE, INC.,

Plaintiff,

V.

THE KYJEN COMPANY, INC.,

Defendant.

THE KYJEN COMPANY, INC.,

Counterclaim Plaintiff,

v.

PETEDGE, INC.,

Counterclaim Defendant.

Civil Action No. 04-10807 MEL

DEFENDANT'S CERTIFICATION PURSUANT TO LOCAL RULE 16.1(D)(3)

Pursuant to Local Rule 16.1(D)(3), the Kyjen Company, Inc. and its counsel hereby certify that they have conferred:

(a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

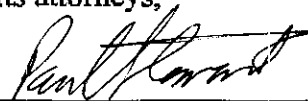
Dated:

9/1/04

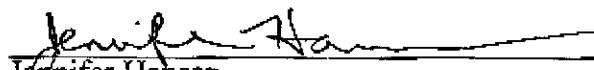
Respectfully submitted,

THE KYJEN COMPANY, INC.

By its attorneys,



Paul A. Stewart (*pro hac vice*)
KNOBBE MARTENS OLSON & BEAR, LLP
2040 Main Street
Irvine, CA 92614
Telephone: (949) 760-0404
Facsimile: (949) 760-9502



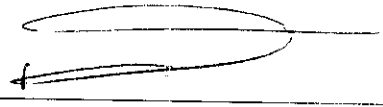
Jennifer Hansen,
Vice President, The Kyjen Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the following by first class mail on September 2, 2004:

Paul Holtzman, Esq.
KROKIDAS & BLUESTEIN LLP
600 Atlantic Avenue
Boston, MA 02111

Paul A. Stewart, Esq.
KNOBBE, MARTENS, OLSON & BEAR LLP
2040 Main Street, 14th Floor
Irvine, CA 92614


Kirk Teska

CERTIFICATION PURSUANT TO L.R. 16.1(D)(3)

PetEdge, Inc. and its counsel affirm that they have conferred with a view toward establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation, and have considered the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in L.R. 16.4, including referring the case to another judicial officer for settlement negotiations, mini-trial, summary jury trial, and mediation.

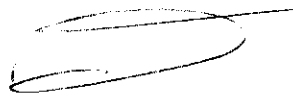
8/26/04

PetEdge, Inc.
By its agent and Officer,



Mark R. Dow
Vice President

PetEdge, Inc.
By its counsel,



Kirk Teska
Iandiorio & Teska
260 Bear Hill Road
Waltham, MA 02451-1018